(1)

Division Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

MISCELLANEOUS APPEAL (C) No. 204 OF 2007

APPELLANTS
Non-applicants

1. Manager
Life Care International
Near Philips Godown
Ring Road No.1
Deendayal Upadhyay Nagar
Raipura Road
Raipur, Chhattisgarh

2. Distributor
Life Care International
45, S.K.Compound
Lasudia Mori Ring Road
Indore, Madhya Pradesh

P.R. No. 337/07
Presented by Shri Samrath Dangi
dated B.Bajaj

V E R S U S

RESPONDENT
Applicant

Smt. Varsha
Wd/o Sangharshlal Singh
R/o Village Devadakhurd
Post Devadabujruk,
Taluka Mohadi
District Bhandara
Maharashtra

MISCELLANEOUS APPEAL UNDER SECTION 30 OF THE WORKMEN'S COMPENSATION ACT

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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

MISC. APPEAL (C) NO. 204 OF 2007

APPELLANTS Manager, Life Care International & Another

Versus

RESPONDENT Smt. Varsha

Present : Shri Ranbir Singh Marhas, counsel for the appellants.

None for the respondent.

ORAL ORDER
(Passed on 14th February, 2007)

The following oral order of the Court was passed by **Vijay Kumar Shrivastava, J.**

This appeal under Section 30 of the Workmen's Compensation Act, 1923 (henceforth "the Act, 1923") has been directed against the order dated 2-12-2006 passed by the Commissioner for Workmen's Compensation, Labour Court, Raipur (henceforth "the Commissioner") in case No. Category 1/B/133/W.C.Act/Fatal/05.

(2) On 22-1-2004 Shri Sangarsh Lal Singh (since deceased) being in employment of the appellants was coming with a cash of Rs.3,92,985/- to Bank on the motorcycle, but on the way the cash was looted by two unknown persons, who in order to snatch the cash, killed him. Appellants did not pay or deposit any amount towards compensation; therefore, the wife of the deceased was dragged into litigation to recover her claim from the employer/appellants.

(3) Appellants did not raise dispute before the Commissioner that the deceased was not their workman. Commissioner on the strength of

evidence recorded finding of income of the deceased and in accordance with prescribed mode calculated the compensation and awarded Rs.4,07,700/-. A penalty of Rs.20,000/- has also been imposed on appellants.

(4) Appellants preferred this appeal proposing the following substantial questions of law in thier memo of appeal :

- Whether the learned Court below was correct in holding that the appellants were liable to pay compensation to the applicant/ respondent even though his employment was not such as defined in section 2(1) (n) of the Workmen's Compensation Act, 1923 or schedule II thereof ?
- Whether the learned Court below was correct in holding that the appellants were also liable to pay a penalty of Rs.20,000/- under the facts and circumstances of the case ?
- Whether under the facts and circumstances of the case the learned Court below was justified in awarding the compensation as has been done by it ?

(5) When appellants themselves have admitted before the Commissioner that the deceased was workman and learned Commissioner relying on it has recorded a finding that the deceased was appellants' workman, how such a finding recorded by the learned Commissioner can be said to be perverse or illegal.

(6) So far as grant of penalty is concerned, it is manifest that appellants willfully committed breach of Section 4A of the Act, 1923 and made themselves liable for imposition of penalty.

(7) We are of the considered view that the appeal does not involve any substantial question of law. In the result, the appeal being devoid of substance deserves to be dismissed summarily and is accordingly dismissed *in limine*. No costs.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge